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Memorandum from Mongolia regarding the consolidation of its international security and nuclear-weapon-free status

1. The present memorandum of the Government of Mongolia on consolidating its international security and nuclear-weapon-free status is being submitted in conformity with the decision regarding background documentation adopted by the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Additional information on Mongolia's status and the steps taken since the 2010 Review Conference to institutionalize that status can be found in NPT/CONF.2010/12 of 22 March 2010.

A brief history of the issue

2. Owing to its geopolitical location, in the second half of the twentieth century Mongolia, ally of the Soviet Union, was exposed to two "cold wars": one between East and West and one between China and the Soviet Union. In 1967, the Soviet Union established it military bases in Mongolia. Having experienced, during the height of Sino-Soviet tensions, the danger of being drawn into a possible conflict that could have involved the use of nuclear weapons and the withdrawal of Russian bases from Mongolia, in September 1992[1] Mongolia declared its territory a nuclear-weapon-free zone and pledged to have that status internationally guaranteed.

3. Mongolia's initiative was welcomed by nuclear-weapon and non-nuclear-weapon States alike. In 1993 and 1994, the five nuclear-weapon States made unilateral statements in support of the initiative. In the treaty on friendly relations and cooperation concluded with Mongolia in January 1993, the Russian Federation committed itself to respecting Mongolia's policy of not admitting the deployment on and transit through its territory of foreign troops and of nuclear and other weapons of mass destruction. China declared that its pledge not to use or threaten to use nuclear weapons against nuclear-weapon-free zones or States applied to Mongolia. The United States of America and the United Kingdom of Great Britain and Northern Ireland stated that Mongolia would benefit from their positive and negative security assurances. France declared that its negative security assurances applied to Mongolia. The Government of Mongolia welcomed these statements of

[1] See the statement of the President of Mongolia made on 25 September 1992 at the general debate of the forty-seventh session of the General Assembly.

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support as a sign of political support for the policy. That support was not, however, a clear recognition of its single-State nuclear-weapon-free zone status nor did it provide the legally binding security assurances that are provided to traditional nuclear-weapon-free zones. That is why Mongolia has for some time worked to institutionalize its status as a single-State nuclear-weapon-free zone.

4. As for the non-nuclear-weapon States, they all expressed full support not only for Mongolia's policy in general but also for its efforts to institutionalize that status.

5. In 1996 and 1997 Mongolia held talks with the five nuclear-weapon States regarding its initiative. Despite demonstrating general support for the initiative, however, those States were reluctant to consider Mongolia a nuclear-weapon-free zone because it was only a single State. Mongolia reasoned that in the comprehensive study of the question of nuclear-weapon-free zones in all its aspects it was pointed out that even individual countries could establish nuclear-weapon-free zones (A/10027/Add.1). The five nuclear-weapon States were still reluctant, however, to consider Mongolia as a fully fledged zone considering that doing so would detract from or undermine the incentives for establishing regional (traditional) zones. During the talks, it was agreed that, until the five nuclear-weapon States accepted the concept of a single-State nuclear-weapon-free zone, Mongolia could be considered as a State with a unique nuclear-weapon-free status. Thus, it was agreed to use the term "status" instead of "zone" and that the content of the status would be defined by the States concerned. The five nuclear-weapon States also expressed reluctance to agree to the concept of "institutionalizing" the status. During the talks, it was agreed that, to make the status credible, Mongolia's security needed to be addressed in a broader context, including with respect to the country's independence, sovereignty and territorial integrity, the inviolability of its borders, the independence of its foreign policy, its economic security and its ecological balance. This understanding formed the basis of General Assembly resolution 53/77 D, entitled "Mongolia's international security and nuclear-weapon-free status", adopted in 1998 without a vote.

6. In follow-up to General Assembly resolution 53/77 D, Mongolia approached the five nuclear-weapon States to define the status and acquire from them appropriate security assurances. In 2000, it adopted legislation that defined the status at the national level and criminalized acts connected with violating the status (see A/55/56-S/2000/160, annex I). In response to Mongolia's request for appropriate security assurances, in October 2000 the five nuclear-weapon States issued a joint statement providing political security assurances to Mongolia (A/55/530-S/2000/1052, annex). In that statement, they declared that the commitments regarding positive and negative security assurances that they had made separately in 1995 applied to Mongolia (see Security Council resolution 984 (1995)). The Mongolian side welcomed the joint statement as an important step in institutionalizing the status internationally. At the same time, it let the five nuclear-weapon States know that the assurances did not reflect Mongolia's unique location, its interests or the state of its relations with them.

7. In September 2001, bearing in mind that Mongolia's nuclear-weapon-free status still lacked clear international definition, representatives of Mongolia, the five nuclear-weapon States and the United Nations met in Sapporo, Japan, to consider ways and means of defining and strengthening the status (see A/57/59, annex). The recommendation that emerged from the meeting was that Mongolia needed either to

conclude a trilateral treaty with its two neighbours, China and the Russian Federation, or seek a more ambitious multilateral treaty involving all five nuclear-weapon States.

8. In January 2002, as a follow-up to the Sapporo recommendations, Mongolia presented to its neighbours the draft basic elements of a possible trilateral treaty regarding its status. The draft elements were generally based on the international practice of establishing nuclear-weapon-free zones, but also reflected the specific situation of Mongolia as a landlocked country whose only two neighbours were nuclear-weapon States. Bearing in mind the responses of its neighbours, Mongolia drafted a trilateral treaty and a draft additional protocol to it and presented them to the neighbours, expressing the hope that negotiations on the drafts could be commenced in the near future. China and the Russian Federation met with Mongolia in Geneva in March and September of 2009 to exchange views on the drafts. At the second meeting, they presented to Mongolia a joint paper containing questions and comments on the provisions of the drafts. At the end of that meeting, they expressed the need to have the other three nuclear-weapon States — France, the United Kingdom and the United States — join the talks since they believed that any security assurance made to Mongolia needed to be extended by all five nuclear-weapon States, not only by China and the Russian Federation.

9. In preparation for the 2010 Review Conference, the delegation of Mongolia proposed mentioning, in the final document of the Conference, the trilateral meetings held in Geneva. Owing to the position of the five nuclear-weapon States, however, the Conference only welcomed the declaration by Mongolia on its nuclear-weapon-free status and expressed support for the measures taken by Mongolia to consolidate and strengthen that status (see NPT/CONF.2010/50 (Vol. I), para. 100).[2]

Steps taken to institutionalize Mongolia's status since the 2010 Review Conference

10. Mindful of the fact that viability of the status depended to a certain extent on how the legislation on the issue was implemented, in January 2014 the parliamentary standing committee on security and foreign policy of Mongolia set up a working group that monitored and evaluated the implementation of the law, and then submitted a set of recommendations to the Government for its consideration. The working group recommended that the Government continue to cooperate with the five nuclear-weapon States, the States parties to treaties on nuclear-weapon-free zones and other States and international organizations with the aim of strengthening further the status, consider possible amendments to the law and report to the standing committee on how Mongolian flag vessels were implementing the law, Security Council resolution 1540 (2004) and other legal commitments on international shipping security rules. The Government is also preparing to submit to the parliament for its ratification an amendment to the Convention on the Physical Protection of Nuclear Material.

[2] See also paragraph 8 of the final document of the 2000 Review Conference (NPT/CONF.2000/28 (Parts I and II)), which reads: "The Conference welcomes and supports the declaration by Mongolia of its nuclear-weapon-free status, and takes note of the recent adoption by the Mongolian parliament of legislation defining that status as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions, as a concrete contribution to promoting the aims of nuclear non-proliferation and a practical contribution to promoting political stability and predictability in the region."

11. After resuming contact and talks with the five nuclear-weapon States in 2011 and 2012 regarding its nuclear-weapon-free status, on 17 September 2012 Mongolia and the five States signed parallel declarations at United Nations Headquarters concerning security assurances. In its declaration, Mongolia, based on its legislation of 2000, not only reaffirmed the general prohibitions implemented pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons but also pledged not to station or transport nuclear weapons or parts or components of such weapons nor nuclear waste by any means through its territory and welcomed the pledges made by the five nuclear-weapon States in 2000 and on that day (17 September 2012).

12. On the other hand, in their joint declaration, the five nuclear-weapon States reaffirmed their intent to cooperate with Mongolia in implementing General Assembly resolution 53/77 D, reaffirmed also the assurances they had provided in the joint statement made in 2000 and, in addition, affirmed their intent, as long as Mongolia maintained its nuclear-weapon-free status, to respect that status and not to contribute to any act that would violate it.

13. In 2013 and 2014, a Mongolian non-governmental organization, Blue Banner, organized national and regional round-table discussions to contribute ideas on practical ways and means of further institutionalizing the status and shared its findings with the Government.

International support of the status

Bilateral support

14. Many States with which Mongolia has close relations have continued to express support for Mongolia's unique nuclear-weapon-free status and the policy to properly institutionalize it. On 26 June 2011, the President of the United States, Barack Obama, applauded, in a joint United States-Mongolian statement, Mongolia's nuclear-weapon-free status and, in August 2014, the President of China, Xi Jinping, expressed support for Mongolia's policy to promote the status at both the international and regional levels.

Regional support

15. During the period under review, the Conference on Interaction and Confidence-building Measures in Asia (CICA) welcomed, at its summit in 2010, Mongolia's status as contributing to security and confidence-building in the CICA region. At its 2014 summit, CICA welcomed the parallel declarations of 2012 as a concrete contribution to non-proliferation and the enhancement of regional confidence and predictability. At its 2012 ministerial meeting, CICA welcomed Mongolia's declaration regarding its nuclear-weapon-free status and expressed support for its consolidation and related reinforcement measures.

16. The Regional Forum of the Association of Southeast Asian Nations (ASEAN) has also expressed support for Mongolia's status. In a statement, the Chair of the twenty-first ASEAN Regional Forum, held in Nay Pyi Taw on 10 August 2014, stated that the participating ministers welcomed Mongolia's status, and the 2012 joint declaration of the five nuclear-weapon States regarding the status, as a concrete contribution to nuclear non-proliferation and promoting confidence and predictability in the region.

17. In November 2014, an international conference on the creation of a nuclear-weapon-free north-east Asia was held in Ulaanbaatar. In the final document of the conference, participants welcomed Mongolia's nuclear-weapon-free status policy both as a concrete contribution to regional stability and as an innovative approach to addressing nuclear threat-related issues. They also welcomed the joint declaration of 2012 of the five nuclear-weapon States and expressed the hope that Mongolia's experience would be an inspiring example in addressing similar cases.

Multilateral support

18. The Movement of Non-Aligned Countries has consistently supported Mongolia's status. In May 2011, at its Sixteenth Ministerial Conference and Commemorative Meeting, held in Bali, Indonesia, the Movement expressed support for Mongolia's policy aimed at institutionalizing its status and for the measures taken to consolidate and strengthen that status. In that regard, the ministers welcomed the start of talks between Mongolia and its two neighbours on the development of the required legal instrument and expressed the hope that the talks would soon result in the conclusion of an international instrument institutionalizing Mongolia's status.

19. At the summit of the Movement held in Tehran in August 2012, Heads of State and Government again expressed their support for Mongolia's policy to institutionalize the status and for the measures taken to consolidate and strengthen it. In that regard, they reiterated their support for the talks by Mongolia with China and the Russian Federation on the conclusion of an international instrument institutionalizing the status. The final document of the Seventeenth Ministerial Conference of the Movement, held in Algiers from 26 to 29 May 2014, reaffirmed the ministers' support for Mongolia's status as well as its policy to institutionalize it.

20. In the outcome document of the Second Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, held in New York on 30 April 2010, participants expressed their full support for Mongolia's policy of institutionalizing the status and welcomed the 2009 Geneva talks with its neighbours (see NWFZM/CONF.2010/1, para. 23).

21. The General Assembly of the United Nations was the first multilateral international organization to have welcomed Mongolia's initiative and has, since 1998, been considering every second year the issue entitled "Mongolia's international security and nuclear-weapon-free status" and adopting resolutions thereon. In its first resolution on that issue, adopted in 1998, the Assembly welcomed the declaration by Mongolia of its nuclear-weapon-free status, while in subsequent resolutions it welcomed and expressed support for the measures taken by Mongolia to consolidate and strengthen that status. Despite having expressed its conviction that international recognition of Mongolia's status would contribute to enhancing stability and confidence-building in the region, owing to the position of the five nuclear-weapon States the Assembly has never been able to officially recognize and welcome the status. Mongolia believes that the signature by the five nuclear-weapon States of the 2012 joint declaration, in which they expressed their intent to respect the status and not to contribute to any act that would violate it, presumes that those States recognize the status (as defined in the Mongolian law of 2000 and the parallel declarations of 2012) and hence will not object to having the Assembly welcome both the status and Mongolia's measures to consolidate it. Since

2010, Mongolia has raised this issue with the five nuclear-weapon States on a number of occasions and will continue to do so until that gap or discrepancy in logic and practice is removed.

Looking ahead

22. During the 23 years since Mongolia has declared its territory a nuclear-weapon-free zone and has worked to have that status internationally guaranteed, much progress has been made with the widespread support of States Members of the United Nations and States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Although, because of the position of the five nuclear-weapon States, Mongolia has not been recognized as a nuclear-weapon-free zone, its unique status, as demonstrated above, has been widely recognized as a contribution to nuclear non-proliferation and promoting regional confidence and predictability.

23. Mongolia believes that, in order to be viable, its status needs to be promoted at three levels: national, regional and international. In the past, Mongolia mainly promoted the status at the national and international levels. Once the General Assembly officially recognizes the status, the focus of Mongolia's efforts will shift to the immediate region. To that end, it has already raised the issue within the ASEAN Regional Forum.

24. In sum, Mongolia will:

(a) Continue to work with the five nuclear-weapon States to have the General Assembly formally recognize and welcome the status;

(b) Continue monitoring implementation of its unique legislation;

(c) Cooperate further with other nuclear-weapon-free zones, States parties to such zones and like-minded States to strengthen cooperation with traditional nuclear-weapon-free zones and promote a world free of nuclear weapons;

(d) Work to make the status an important element of non-proliferation and promoting regional confidence and predictability;

(e) Play an active role in promoting the idea of establishing a nuclear-weapon-free zone in north-east Asia.